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Objectives

- ❑ Discuss and Define the four categories of workplace violence and their characteristics
- ❑ Identify the warning signs of escalating behavior
- ❑ Discuss the risk factors and prevention methods expected of employers
- ❑ Development of a Workplace Violence Prevention Program

THE WORKPLACE IS THE MOST DANGEROUS PLACE TO BE IN AMERICA

United States Department Of Justice, 1994

Through the Years – 50 Years of Mass Shootings

Definitions

- NIOSH defines workplace violence as violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty.
- Workplace violence is any physical assault, threatening behavior, or verbal abuse occurring in the work setting.
- The workplace may be permanent or temporary (including field locations and clients' homes, etc...)

What is Workplace Violence?

OSHA's Definition

- Violence or the threat of violence against co-workers. Can range from verbal abuse to physical assaults and homicide.

What is Workplace Violence?

- Defined by *Workplace Violence Institute* as ***any*** act against any employee that creates a hostile work environment and negatively affects the employee physically or psychologically:
  - Physical or verbal assault
  - Threats
  - Coercion
  - Intimidation
  - Harassment

What Is Workplace Violence?

Workplace violence Includes:

- Beatings
- Stabbings
- Suicides
- Shootings
- Rapes
- Near suicides
- Psychological traumas
- Threats or obscene phone calls
- Intimidation
- Harassment of any nature
- Being followed, sworn at or shouted at

What is Workplace Violence?

While the motivation and circumstances of each incident of workplace violence varies, the end result is the same:

Injury

Death

Chaos

Frightened employees,

and damages to trust and the perception of safety.

What is the *Workplace*?

- The Workplace is any location, either permanent or temporary, where an employee performs any work related duty.
- Office, Home, Auto/Tractor-Trailer/Dump Truck, Construction Site, Warehouse
- Workplace violence is defined as a wide range of acts that include all violent behaviors and threats of violence, as well as any conduct that can result in injury, property damage, induce a sense of fear or otherwise impede the normal course of work.

What Is Workplace Violence?

statistics

- Daily:
- 43,800 harassed
- 16,400 threats
- 723 workers attacked

* *U.S. Department of Justice, Bureau of Justice Statistics*

What Is Workplace Violence?

statistics

- A National Crime Victimization Survey revealed:
- Strangers committed the greatest proportion of nonfatal workplace violence against males (53%) and females (41%) between 2005 and 2009
- About 70% of workplace homicides were committed by robbers and other assailants while about 21% were committed by work associates between 2005 and 2009.

* *U.S. Department of Justice, Bureau of Justice Statistics*

What Is Workplace Violence?

statistics

- Workers are at greater risk of becoming victims of workplace violence if they:
  - Exchange money with the public
  - Deliver passengers, goods, or services
  - Work alone or in small groups during late night or early morning hours
  - Work in high-crime areas
  - Work in community settings and homes experiencing extensive contact with the public

* *U.S. Department of Justice, Bureau of Justice Statistics*

Workplace Violence Hurts

- Simple assaults: 1.5 million
- Aggravated assaults: 396,000
- Rapes/sexual assaults: 51,000
- Robberies: 84,000
- Homicides: nearly 1,000
- Harassment: 43,800
- Costs 500,000 employees 1,175,100 lost work days each year

* *Workplace Violence Research Institute*

Workplace Violence Hurts

- Among sales and related occupations in 2012, 51% of workplace fatalities were homicides. Among protective service occupations (including firefighters and law enforcement officers), 40% of workplace fatalities were homicides
- In 40% of female workplace homicides from 1997 to 2010, the perpetrators were relatives, almost all being a spouse or a domestic partner. In male workplace homicides, 2 percent of the perpetrators were relatives.

U.S. Department of Labor, Bureau of Labor Statistics

Workplace Violence Hurts

- Whites comprised the majority of workplace homicide victims (48.9%) followed by African-American (21.7%), Hispanic (16.2%) and Asian-American (11.2%)
- Men comprised the majority of workplace homicides, with 81.4% of victims being male and 18.4% female

U.S. Department of Justice, Bureau of Justice Statistics

Can we prevent WPV

- In most workplaces where risk factors can be identified, the risk of assault can be prevented or minimized if employers take appropriate precautions
- One of the best protections employers can offer their workers is to establish a zero-tolerance policy toward workplace violence.

Types of Workplace Violence Defined

Type 1

- Violence committed by criminals not connected to the workplace who enter solely to commit crime
- Accounts for nearly 80% of all workplace homicides
- Generally limited to certain occupations, such as taxi drivers, liquor store clerks, late night retail clerks and gas station attendants
- Usually can be prevented by utilizing physical security measures that are not applicable to other occupations

Types of Workplace Violence Defined

Type 2

- Violence instigated by customers or others who are on the employer's premises for legitimate purposes

Type 3

- Violence instigated by present or former employees

Type 4

- Violence instigated by someone who has an outside relationship with an employee.

How are Employers Liable For Workplace Violence?

- Negligent Hiring
  - Failure to properly screen employees results in hiring a person with a history or evidence of criminal acts.
- Negligent Retention
  - Keeping an employee after the employer became aware of the employee's unsuitability and failed to act.

How are Employers Liable For Workplace Violence?

- Negligent Supervision
  - Failure to provide necessary monitoring to ensure the employee is performing duties.
- Inadequate Security
  - Security measures to safeguard employees and customers from potential threats.

How are Employers Liable For Workplace Violence?

- OSHA/MOSH
  - Employers may be liable under the "General Duty" clause.
- Worker's Compensation
  - Employers are liable for on-the-job-injuries.

How Do You Prevent Workplace Violence?

Pay attention to every facet of the employment relationship

- Screening
- Drug testing
- Policies
- Training
- Security
- Searches
- Threat investigation
- Employee assistance program
- Discharge
- Problem solving & ADR

Most Common Errors By Companies

1. Ignoring or neglecting threatening behavior
2. Escalating risk through confrontational approaches
3. Failing to coordinate information and resources
4. Premature or inappropriate police involvement
5. Encouraging the use of restraining orders against irrational or desperate people
6. Sending employees exhibiting threatening behavior for "fitness for duty" evaluations
7. *Expecting* counselors, employee assistance program or mental health professionals to change employee's personality
8. Failing to *document* misconduct

MOSH/OSHA's Mission

- To Assure So Far as Possible Every Working Man and Woman in the Nation/State Safe and Healthful Working Conditions...

OSHA/MOSH Have No Standards

- However, OSHA does have other tools
- Directive Number: CPL 02-01-052
- Effective Date: September 8, 2011
- Subject: Enforcement Procedures for Investigating or Inspecting Workplace Violence Incidents

OSHA INSTRUCTION

CPL 02-01-052

- The directive is not intended to require an OSHA response to every complaint or fatality of workplace violence
- Does not require that citations or notices be issued for every incident inspected or investigated.
- Provides general enforcement guidance to be applied in determining whether to make an initial response and/or cite an employer.
- An instance of workplace violence is presumed to be work related if it results from an event occurring in the workplace.

General Duty Clause

- "Each employer shall furnish to each of his employees employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."

Elements of a 5(a)(1) Citation

- A serious workplace violence hazard exists and the employer failed to keep its workplace free of hazards to which employees were exposed.
- Employer should have recognized the hazard.
- Employee exposure.
- Feasible abatement.

5-104

Elements of a 5(a)(1) Citation

- A serious workplace violence hazard exists and the employer failed to keep its workplace free of hazards to which employees were exposed.
  - Are there risk factors?
    - Contact with the public
    - Working with unstable or volatile persons
    - Delivery of passengers or goods
    - Having a mobile workplace such as a taxicab or police cruiser
    - Working late at night or during early morning hours
    - Working alone or in small numbers
    - Working in community-based settings
    - Working in high-crime areas
    - Guarding valuable property or possessions
    - Exchange of money

Elements of a 5(a)(1) Citation

- OSHA 300 logs and 301 forms documenting injuries from workplace violence for the prior five years.
- Injury reports specific to instances of workplace violence, including any reports generated as part of the *Joint Commission accreditation/certification for healthcare settings*.
- Past complaints or grievances noting the particular hazard.
- Meeting minutes where workplace violence issues were discussed.

Elements of a 5(a)(1) Citation

- Workers' compensation records documenting injuries from workplace violence.
- Medical records regarding workplace violence incidents.
- Police and security records documenting incidents of workplace violence.
- Employee interviews, which include information on any previous incidents of violence.
- Actual or potential employee exposure to workplace violence.
- Documentation that the workplace violence hazard was reasonably foreseeable by the employer.

Elements of a 5(a)(1) Citation

- Industry and Employer Recognition.
  - Documentation from the business groups and associations affiliated with the employer identifying the problem of workplace violence.
  - Journal articles and research showing the existence of workplace violence in the given industry.
  - NIOSH and OSHA publications (healthcare, social work, taxis and late-nigh retail.)
  - National consensus standards.
  - State and local laws that address workplace violence in specific industries, such as healthcare facilities or late-night retail.

Elements of a 5(a)(1) Citation

- Industry and Employer Recognition.
  - Documentation of any employees informing the employer of the hazard or related inspections of the employer.
  - Employer awareness of any prior incidents, injuries or close calls related to workplace violence.
  - Any precautions/protective measures taken by the employer to prevent or minimize workplace violence.
  - Documentation of how the employer currently addresses workplace violence including a security plan, training plan, presence of a preventative plan and other safety documents.
  - Interviews of management, including the person responsible for certifying the OSHA 300 logs.
  - Employee interviews.
  - Union complaints.

Elements of a 5(a)(1) Citation

- The hazard caused or was likely to cause death or serious physical harm.
  - Employee interviews, injury and illness logs and police reports.
  - Evidence of actual instances where employees were threatened with physical harm or seriously injured or killed as a result of workplace violence

Elements of a 5(a)(1) Citation

- There are feasible abatement methods available to address the hazard.
  - Hierarchy of Controls
    - Engineering Controls
    - Administrative Controls
    - Work Practice Controls
    - Personal Protective Equipment
- Should be spelled out in a written, comprehensive workplace violence prevention program.

BREAK TIME

Workplace Violence Prevention Plan

- Management commitment
- Employee involvement
- Worksite analysis
- Hazard prevention and control
- Training and education
- Post incident response
- Recordkeeping
- Evaluation of program

Workplace Violence Prevention Plan

- The prevention program should:
  - Be made available to all employees, including managers and supervisors
  - Track its progress in reducing work-related assaults, reduce the severity of injuries sustained by employees, decrease the threat to worker safety
  - Reflect the level and nature of threat faced by employees

Workplace Violence Prevention Plan
Management Commitment

- A policy statement regarding potential violence in the workplace and assignment of oversight and prevention responsibilities.
- System of accountability
- "Zero tolerance" for violence, threats, harassment, intimidations, and other disruptive behavior in our workplace
- Ensure reports of incidents will be taken seriously and will be dealt with appropriately
- Pre-employment screening
- Contractor screening

Workplace Violence Prevention Plan
Management Commitment

- Allocation of authority and resources to responsible parties
- Ensure equal commitment to worker safety and health and customer/patient/client safety
- Comprehensive program of medical and psychological counseling for employees experiencing or witnessing violent incidents.
- No employee reprisals for reporting incidents
- Conduct a workplace violence hazard assessment and security analysis, including a list of the risk factors identified in the assessment and how the employer will address the specific hazards identified.

Workplace Violence Prevention Plan
Management Commitment
Manager's Alert to Warning Signs

- Fascination with weapons
- Alcohol or drug abuse
- Severe Stress
- Anguish over pending or recent demotion or termination
- History of violent incidents
- Psychological deterioration
- Decreased or inconsistent job functioning
- Social Isolation or poor peer relationships
- Deterioration in personal hygiene
- Major personality changes

Workplace Violence Prevention Plan

Employee Involvement

- Employees often do not report violent incidents because:
  - of lack of administrative reporting policies or procedures
  - they are afraid employer will think they can't handle the job effectively
  - of misperception that violence is part of the job
  - of fear of employer reprisals
  - Employers say they don't want to hear about problems – YES YOU DO! Or your employees go elsewhere – Social Media site, The Media, etc…

Workplace Violence Prevention Plan

Employee Involvement

- Employees should:
  - participate in employee complaint or suggestions sessions
  - provide prompt and accurate reporting of all workplace violence incidents
  - understand reporting violence will benefit them, and enable management to identify, address, and solve problems
  - understand no reprisals will be taken by management or employer

Workplace Violence Prevention Plan

Employee Involvement

- Employees should:
  - inform someone when working late
  - lock doors to work area when working alone
  - work near a phone
  - avoid using dark stairways or halls
  - keep purses, wallets and other valuables out of sight
  - report signs of break-in or missing items

Workplace Violence Prevention Plan

Employee Involvement

- Employees should:
  - report inadequate lighting
  - not share ID card or access codes with others
  - report unusual packages
  - wear identity badges at all times
  - report weapons or substance abuse
  - report threats or frightening behaviors of co-workers

Workplace Violence Prevention

Plan Worksite Analysis

- Analyze records, trends, workplace security
  - Any company history of violent incidents
  - Medical records
  - Reports of verbal abuse or threats
- Assess any plans for new construction or physical changes to the facility or workplace to eliminate or reduce security hazards.
- Screening surveys to staff

Workplace Violence Prevention

Evaluate The Company's Ability To Handle A Violent Situation

- Review past incidents, including complaints, and how effectively they were handled
- Conduct Vulnerability Analysis/Job Safety Analysis/etc...
  - Consider strengths, weaknesses and threats
  - Examine the current level of security at your workplace

- Lighting
- Intercom
- Limited Access
- ID Badges
- Magnetic key card access
- Surveillance
- Rules for working alone
- Consider professional audit/review

Workplace Violence Prevention

Plan Worksite Analysis

- Identify potential reasons why workplace may be hazardous
  - Availability of drugs
  - Personnel must work evenings and night shifts
  - Overall prevalence of firearms
  - One or more employees struggling with domestic violence
  - Cash handling
  - Public contact
  - Anticipated downsizing or reorganization
  - Low staffing levels, high turnover rates, and stress
  - Exposure to violent, confused or mentally unstable patients

Workplace Violence Prevention Plan

Training

- Provide training to staff on:
  - managing anger
  - stress management, relaxation techniques
  - security procedures
  - personal security measures, self defense
  - techniques for victim support

Workplace Violence Prevention Plan

Post-Incident Response

- Provide a program of support for workers involved in violent incidents and workers observing violent incidents
- Set up trained response teams to respond to emergencies
- Provide post-incident response assistance to the worker that includes:
  - Prompt medical treatment and psychological evaluation
  - Counseling, support groups, stress debriefing, trauma-crisis counseling, employee assistance programs

Workplace Violence Prevention Plan

Recordkeeping

- OSHA 300s
- Medical reports of work injury
- Incidents of abuse that do not result in injury
- Information on customers/students/patients with a history of past violence should be recorded and staff made aware of the possible potential for aggression
- Training including management training on related issues, e.g. sexual harassment, effective communication / leadership

Workplace Violence Prevention Plan

Evaluation

- Determine effectiveness of prevention plan
  - Identify any problems or deficiencies
  - Allow for management to review program effectiveness, and re-evaluate policies and procedures on a regular basis
  - Analyze trends, measure improvements, and keep abreast of new
  - trends to reduce workplace
  - violence, e.g. community unrest, terrorist activities, cyber security company/industy sabotage

General Awareness

Disconnected, disaffected, depressed, driven to act, desire for revenge, desperate, dangerous

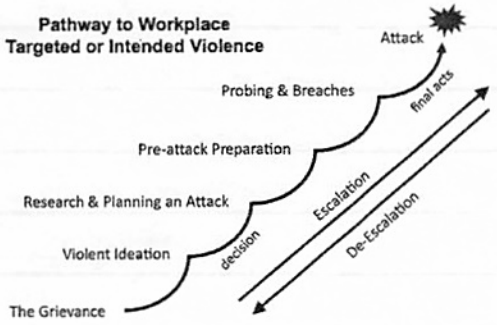
Early Psychopathy, NarcissisticEntitlement, Depression, No Empathy or Regard for Self or Others

"I want to outdo my idols. I want international attention. I want to be infamous. You can only kill me once. My actions will live on."

Less fear, less stress, no concern for punishment, pseudo-commando preparations, more mental sharpness, time shortens.

The Targeted Violence Process

- As defined by the US Secret Service, "the subject chooses a target in advance. The violence is not random or gang-related. There is evidence of planning. Threats are not made to the target directly, but to a third-party." Perpetrators of targeted acts of violence engage in covert and overt behaviors prior to their attacks:
  - they consider
  - they plan
  - they prepare
  - they share, usually with third-p
  - they move from ideas to actions
  - **USSS Exceptional Case Study Project**



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Perpetrators of Workplace Violence Per OSHA

- **Type 1**: Criminals or strangers.
- **Type 2**: Taxpayers, customers, students, patients, passengers, vendors, etc.
- **Type 3**: Current or former employees.
- **Type 4**: Current or former spouse/partner of an employee.

Threat Assessment Teams

- HR
- Law Enforcement
- Corporate Counsel *
- EAP or Behavioral Health Clinicians
- Risk Management / Safety
- Facilities Director
- CEO's Office
- Department Heads
- Labor Relations
- Union Reps
- Corporate Communications
- Supervisors
- TM Consultants

* *Keeps all case notes*

TAT Meeting Criteria

- Threats or violence toward leadership, meetings, facilities.
- Threats or violence to any employee, by a current or former employee; visitor; vendor, stranger.
- Employee-to-employee bullying, threats, or violence.
- High-risk employee discipline or terminations.
- Domestic violence crossovers with employees.
- Threats to the facilities, including bomb threats.
- Cyber threats.
- Vexatious litigants.

Critical TA Questions

- Do we know who it is? (Manage the victim or the suspect?)
- What does this person want? Cause, demand, or threat? Can we provide a viable solution?
- "Likes / hates / wants"?
- Troubled or troubling?
- Hunter or Howler?
- Movement from ideas to actions?
- Homicidal or suicidal?
- Repetition, escalation, or boundary probing?
- Submit to a FFD evaluation? ("Give up your gun?")

Critical TA Questions

- Cyber threats or in-person contacts?
- HR issue, LE issue, EAP, security, or mental health issue?
- Prescription medication compliance?
- Civil order compliance?
- What is our response when the subject passes our last and final "Do Not Cross" line?
- The value of ONE "Cease and Desist" letter?
- Who is the best person to explain the "rules" to the subject?
- How can we help the victim(s) cope with the stress?

TA Information Sources

- Tip lines, ethics hotlines, monitored voice mail messages.
- Supervisor or employee interviews.
- Personnel file review.
- Co-worker, friend, parent contacts.
- Workers' comp-related claims.
- E-mails, texts, letters, journals.
- Facebook, Twitter, blog posts.
- Auditing office computer or company cell phone data.
- Information from co-workers, family, neighbors.
- Tarasoff warnings from clinicians.
- Information from law enforcement.

Goals of TA Interviewing

- It can send a signal to the subject that his / her behavior has been noticed.
- It can allow the subject to tell his / her story.
- It helps us gather information that can be verified, analyzed, or discounted.
- It can provide an opportunity to communicate to subjects that their behavior is unwelcome, unacceptable, and must stop.

TA Interview Warnings

- An interview may **intensify** the subject's interest in the target or the risk of lethal behavior.
- Examples:
  - Increased depression and suicidal ideations.
  - Self-perceptions of abandonment, loss of hope.
  - More barriers in place to the target.
  - Sense that time is running out.
  - Perception of no other options except violence

Hostile Discipline or Termination

- What makes it a "hostile" event?
- Who should run the meeting?
- Where? When?
- Armed or unarmed security nearby?
- Undercover vs. uniformed security?
- Our usual termination collection process?
- Return of personal property?
- What do we say to concerned employees?
- Post-termination warning signs and time limits?

Benevolent Severence? (a/k/a/ "lovely parting gifts")

- Post-employment letter.
- Uncontested unemployment insurance claim.
- Resigning in lieu of termination.
- Continuation of EAP and health benefits (beyond COBRA).
- Severance package.
- Outplacement services.
- Quick access to final paycheck, vacation pay, retirement accounts.
- Agreement on reference check calls.
- Return of all property by overnight mail.
- Single point of contact.

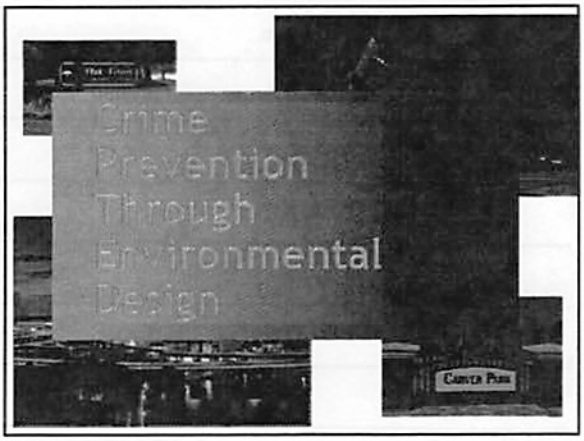
Workplace Violence Prevention Ten

1) Better Background Checks and Hiring Practices.
2) Security / Access Control Improvements.
3) A Challenge Culture for Employees to Report.
4) High-Risk "Customer" Service Training.
5) Hunters or Howlers Awareness and Response
6) HR and Security Dept. Thinking About Actions and Reactions.
7) Safe / Humane Discipline and Terminations.
8) Threat Assessment Teams.
9) Run-Hide-Fight: Safe Rooms and 15-minute WPV Drills.
10) Courageous Management.

The Last Violence Equation

- **Motive + Opportunity = Threat Potential**

- We won't always know the motive nor be able to change it. Attacks are usually preceded by ***surveillance*** and ***planning.***
- Bad people are deterred by courageous people, good security, constant awareness, sharing information, and reporting and acting on ***behaviors of concern, third-party leakage,*** and ***suspicious indicators.***
- **Awareness / Vigilance / Access Control / Policies / Consistency / Notification / Partnerships**



What is CPTED?

- *"The proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime, and an improvement in the quality of life."*
- Disclaimer: No CPTED recommendations can positively ensure or guarantee a crime free environment

Natural Surveillance

- Design the site to keep intruders easily observable
  - See & Be Seen
  - Landscaping
  - Lighting

See and Be Seen

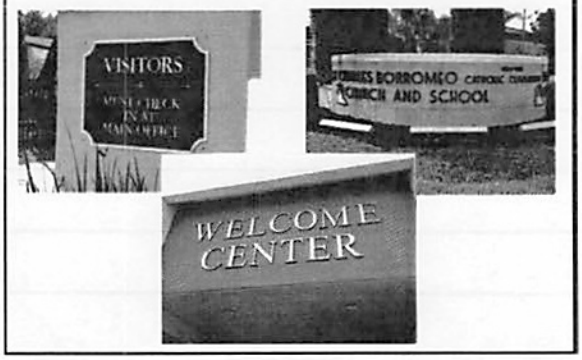
See and Be Seen

Lighting

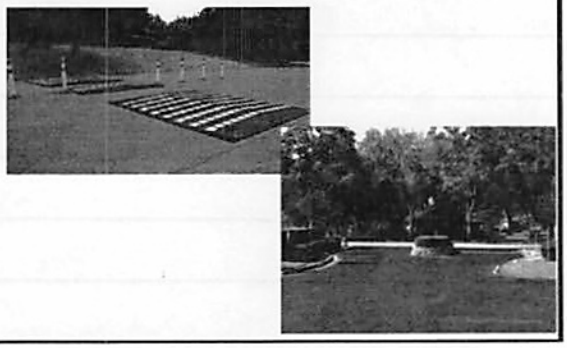
Natural Access Control

- Decrease crime opportunity
- Create a perception of risk to an offender
- Way-finding
- Traffic calming
- Signage (informational)

Way Finding and Signage



Traffic Calming



Territorial Reinforcement

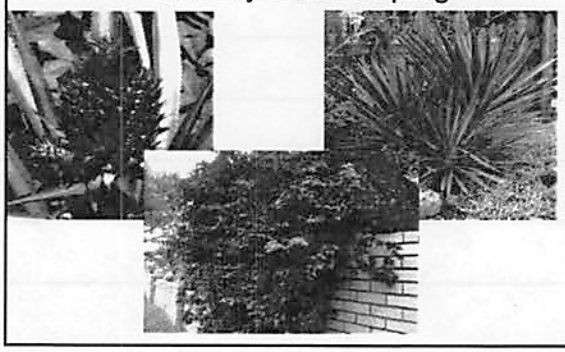
- Create a sphere of influence, develop a sense of control, and discourage potential offenders
  - Define My Space
  - Plants, fences, etc.
  - Porches or lobby
- Public - Semi-public - Private

Define My Space

Porches & Lobbies

Bollards

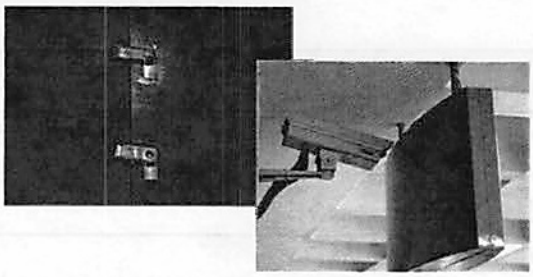
Territorial Reinforcement "Security Landscaping"



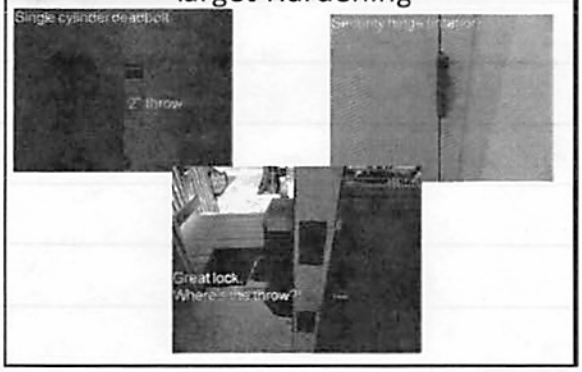
Target Hardening

- Metal door frames
- Single cylinder deadbolts with 2" throw and 3" screws
- CCTVs
- Security/surveillance systems

Target Hardening Little things matter…



Target Hardening



Lighting has 2 Primary Purposes:

Illumination of human activity

Security

Would you feel safe here?

Lighting

Resources

- Guidelines for Preventing Workplace Violence in Health Care and Social Service Workers, OSHA 2015
- OSHA Fact Sheet: Preventing Violence against Taxi and For- Hire Drivers
- Recommendations for Workplace Violence Prevention
- Programs in Late-Night Retail E
OSHA 2009

Resources

- From NIOSH
  - Home Healthcare Workers: How to Prevent Violence on the Job
  - Workplace Violence Prevention Strategies and Research Needs.
  - Violence on the Job
  - Stress... at Work.
  - Preventing Homicide in the Workplace.
  - Occupational Violence.

Resources

- FEMA Comprehensive EOP Planning Guide- https://www.fema.gov/media-library-data/20130726-1828-25045-0014/cpg_101_comprehensive_preparedness_guide_developing_and_maintaining_emergency_operations_plans_2010.pdf
- Illumination Engineering Society - http://www.ies.org/
- (Canadian Center of Science and Education, 2015), CPTED and Workplace Violence in Jordanian Public Hospitals - http://www.ccsenet.org/journal/index.php/ass/article/view/44308/24124
- (National Criminal Justice Reference Service, 2015). NCVRW Reference Guide - http://victimsofcrime.org/docs/default-source/ncvrw2015/2015ncvrw_stats_workplace.pdf?sfvrsn=2
- (U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Assistance, 2013). BCJI CPTED Research Review - https://www.bja.gov/Publications/BCJI_CPTED_ResearchReview.pdf

In Conclusion

- Responding to workplace violence requires attention to more than just an actual physical attack.
- Requires planning, developing, preparation, training and implementation of a prevention plan.
- Approach with a multidisciplinary team with persons of diverse expertise due to the depth and complexity of workplace violence prevention.